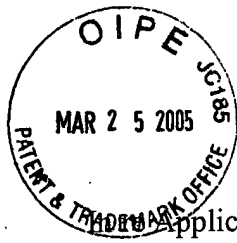


IPW / 2685



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|--|---|-----------|-------------------|
| Applicant: | Antonio Latto et al. | § | Art Unit: | 2685 |
| Serial No.: | 10/044,613 | § | Examiner: | Thuan T. Nguyen |
| Filed: | January 11, 2002 | § | Docket: | ITL.0624US |
| For: | Removable Customizable Inserts and Faceplate for Electronic Devices | § | Assignee: | Intel Corporation |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

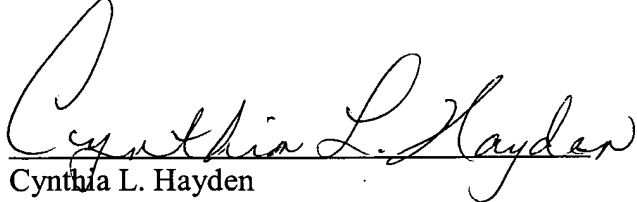
**STATEMENT ATTESTING TO MAILING OF
PTO CORRESPONDENCE UNDER 37 C.F.R. § 1.8(A)**

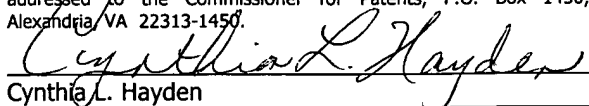
Sir:

I state that on May 18, 2004, I mailed the original of the attached copy of the Notice of Appeal and Certificate of Mailing by first class mail, with sufficient postage, in an envelope addressed to the "Commissioner for Patents, Washington D.C. 20231." A copy of the returned postcard is also attached.

I state that on June 15, 2004, I mailed the original of the attached copy of the Transmittal of Appeal Brief and the Appeal Brief and Certificate of Mailing by first class mail, with sufficient postage, in an envelope addressed to the "Commissioner for Patents, Washington D.C. 20231." A copy of the returned postcard is also attached.

Date: March 22, 2005


Cynthia L. Hayden

Date of Deposit: March 22, 2005
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cynthia L. Hayden



RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: ITL.0624US (P11955)
Date: May 18, 2004

TNT/clh

The Patent and Trademark Office date stamp sets forth the receipt date (or both the receive date and the serial no.) of a patent application identified as follows:

Applicant(s): Antonio T. Latto, et al.

Serial No.: 10/044,613

Filing Date: January 11, 2002

Title: Removable Customizable Inserts And Faceplate For Electronic Devices

1. Notice of Appeal;
2. Check for \$330.00; and
3. Postcard



RECEIVED
MAY 27 2004

Trop, Pruner, & Hu, P.C.

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)**

Docket No.
ITL.0624US

In Re Application Of: Antonio Latto et al.

MAR 2 5 2005

Serial No.
10/044,613

Filing Date
January 11, 2002

Examiner
Thuan T. Nguyen

Group Art Unit
2685

Invention: Removable Customizable Inserts and Faceplate for Electronic Devices


TO THE COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated February 24, 2004 finally rejecting Claim(s) 1-21.

The fee for this Notice of Appeal is: \$330.00

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1504

Dated: May 18, 2004



Timothy N. Trop, Reg. No. 28,994
Trop, Pruner & Hu, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024
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I certify that this document and fee is being deposited on May 18, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

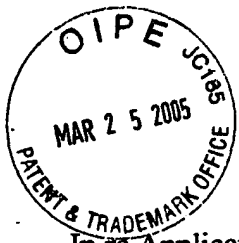


Signature of Person Mailing Correspondence

Cynthia L. Hayden

Typed or Printed Name of Person Mailing Correspondence

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Antonio Latto et al.

Serial No.: 10/044,613

Filed: January 11, 2002

For: Removable Customizable
Inserts and Faceplate for
Electronic Devices

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Art Unit: 2685

Examiner: Thuan T. Nguyen

Atty Docket: ITL.0624US
P11955

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Applicant respectfully appeals from the final rejection mailed February 24, 2004.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

II. RELATED APPEALS AND INTERFERENCES

None.

Date of Deposit: June 15, 2004

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cynthia L. Hayden
Cynthia L. Hayden

III. STATUS OF THE CLAIMS

Claims 1-21 are rejected. Each rejection is appealed.

IV. STATUS OF AMENDMENTS

All amendments have been entered.

V. SUMMARY OF THE INVENTION

Referring to Figure 1, a portable cell phone 101 may display, in some embodiments, an ornamental design 103 that may be easily changed and customized by a user of the phone 101.

Referring to Figure 2, a base section 201 of the cell phone 101 may, in some embodiments, include a plurality of operational controls of which 203, 205 and 207 may be representative. The base section 201 may also include a display 209 that may display the phone number being called and other operational data.

Referring to Figure 3, in some embodiments, an insert 301 may incorporate a plurality of apertures of which 303, 305, 307 and 309 are representative. Apertures 303, 305 and 307 may be designed to allow the operational controls 203, 205, and 207 to be accessed from the front panel of the cell phone 101. Aperture 309 may allow the replaceable insert 301 to fit over the display 209 such that the display 209 is generally unobstructed.

Referring to Figure 4, in some embodiments, a faceplate 401 maybe designed to be affixed to the base section 201. In one embodiment of the present invention, the faceplate 401 may be manufactured of a material that is substantially transparent such as a clear plastic or other materials. See specification at page 4, line 8 through page 5, line 6.

The cell phone 101 may be constructed such that the replaceable insert 301 may be sandwiched between the base section 201 and the inside of the faceplate 401. As the faceplate 401 is substantially transparent, any ornamental design on the replaceable insert 301 may be viewable through the faceplate 401. The replaceable insert 301 may be constructed of any material that is advantageous for the printing technology used to print an ornamental design thereon.

For example, in some embodiments, a paper material may be used if an ink-jet or photocopy process is utilized to print a design on the insert 301. The paper may be fed into a printer or copier as a normal sheet of paper would. After the image has been transferred to the insert 301, the insert 301 may be formed to the size required and placed between the faceplate 401 and the base section 201. To assist in the printing process, the insert may be integrated into a full sheet of 8.5" by 11" paper with punch out tabs to assist in separating the insert 301 from the remainder of the paper.

Many of the well known graphics programs which run on home or office computers may be used to design and print a desired image on the insert 301. Alternatively, specialized programs may be designed and made available to those wishing to make custom inserts. The printing may be conveniently performed by using a home or office printer that utilizes an ink-jet, laser or other technology.

For mass produced designs, in addition to paper based materials, Mylar or other materials may be utilized to fabricate the insert should a printing technology such as silk screening or other large scale printing processes be utilized. See specification at page 5, line 7 through page 6, line 12.

The faceplate and ornamental insert combination cover a substantial portion of a surface of an electronic device to provide the electronic device with a unique appearance that may be easily changed. By changing the ornamental insert, a large number of unique appearances may be achieved. See specification at page 9, line 3 through page 10, line 18.

VI. ISSUES

- A. Is Claim 17 Indefinite?**
- B. Is Claim 1 Obvious Over Chen in View of Siemens?**
- C. Is Claim 17 Obvious Over Chen in View of Siemens?**

VII. GROUPING OF THE CLAIMS

Claims 1-16 may be grouped with claim 1.

Claims 18-21 may be grouped with claim 17.

VIII. ARGUMENT

- A. Is Claim 17 Indefinite?**

Claim 17 was rejected under Section 112 on the grounds that Figure 4 does not show the claimed structure. While this may be true, Figure 5, for example, clearly does show the claimed structure. In Figure 5, the face plate 503 covers the entire surface of the base and includes a transparent section 509, so that part of the surface underneath the face plate can be viewed.

Therefore, the rejection of claim 17 under Section 112 should be reversed

- B. Is Claim 1 Obvious Over Chen in View of Siemens?**

Claim 1 is as follows:

1. An electronic device comprising:
a base having a first surface;

a substantially transparent removable faceplate coupled to the base and covering substantially all of the first surface; and
a replaceable ornamental insert positionable between the removable faceplate and the first surface of the base such that a portion of the ornamental insert is viewable through the substantially transparent section.
[emphasis added].

It is conceded that if Applicants' construction of "substantially all" is correct, then the rejection must fail. The Applicants rely on case law that holds, relying on dictionary and Federal Circuit authority, that the plain meaning of "substantially all" is "all but an insignificant amount." *Atmel Corp. v. Information Storage Devices, Inc.*, 997 F. Supp. 1210, 1228-1229 (N.D. Cal. 1998).

The Examiner disputes the Applicants' construction of "substantially all" in claim 1 on two bases. First, the Examiner contends that the cited case law is unrelated. However, the holding as a matter of law as to the ordinary meaning is applicable with one exception, not applicable here. The Examiner must show that some meaning, other than the ordinary meaning, is required by the specification. M.P.E.P. § 2111.01. In the absence of that showing, the rejection should be reversed.

The second basis for the rejection is that "insignificant" in "all but an insignificant amount" should be determined subjectively. That is, "insignificant" should be determined by what is significant to the prior inventor. This is plainly inconsistent with the Court's ordinary meaning definition and with M.P.E.P. § 2111.02 which requires the Examiner to read the words "as they would be interpreted by those of ordinary skill in the art." The Court's use of "insignificant" cannot be to subjectively "insignificant" since such a definition would be indeterminable.

Moreover, the term “insignificant” modifies “amount,” not region, area, or some other term. Thus, the only measure of “all but an insignificant amount” is with respect to the amount of coverage.

Of course, if the Court had applied the Examiner’s definition of “substantially all” (that is determined based on what the inventor considers important to the inventor), then plainly the term would have been found to have been indefinite under Section 112. This approach was soundly rejected by the Court, see *Atmel*, 997 F. Supp at 1228, and it is also contrary to M.P.E.P. § 2173.05(D).

Therefore, the rejection should be reversed.

C. Is Claim 17 Obvious Over Chen in View of Siemens?

Without distinguishing between claim 1 and claim 17, the Examiner simply rejects claim 17 for the same reasons applied to claim 1. But claim 17 has different limitations. In particular, the “substantially” before “all” is omitted in claim 17.

Thus, claim 17 is narrower in this respect than claim 1. None of the references show a face plate covering all of the upper surface of the base and the face plate having a substantially transparent section.

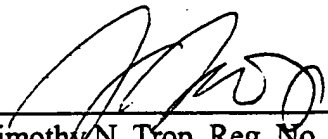
Therefore, the rejection of claim 17 should be reversed.

IX. CONCLUSION

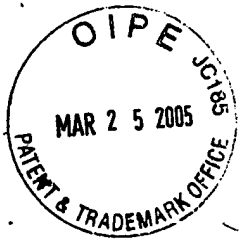
Applicants respectfully request that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: June 15, 2004



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APPENDIX OF CLAIMS

The claims on appeal are:

1. An electronic device comprising:
a base having a first surface;
a substantially transparent removable faceplate coupled to the base and covering substantially all of the first surface; and
a replaceable ornamental insert positionable between the removable faceplate and the first surface of the base such that a portion of the ornamental insert is viewable through the substantially transparent section.
2. The electronic device of claim 1 wherein the replaceable ornamental insert has an upper surface having an ornamental design printed thereon and the ornamental design is viewable through the substantially transparent section of the faceplate.
3. The electronic device of claim 1 wherein the base is a base portion of a portable phone.
4. The electronic device of claim 3 wherein the replaceable ornamental insert has an upper surface having an ornamental design printed thereon and the ornamental design is viewable through the substantially transparent section of the faceplate.

5. The electronic device of claim 1 wherein:

the base is a base portion of a computer; and

the replaceable ornamental insert is located between the removable faceplate and the first surface of the base such that a portion of the ornamental insert is viewable through the substantially transparent section when the removable faceplate is affixed to the base.

6. The electronic device of claim 5 wherein the replaceable ornamental insert has an

upper surface having an ornamental design printed thereon and the ornamental design is viewable through the substantially transparent section of the faceplate.

7. The electronic device of claim 1 wherein the base is a base portion of a digital

game player.

8. The electronic device of claim 7 wherein the replaceable ornamental insert has an

upper surface having an ornamental design printed thereon and the ornamental design is viewable through the substantially transparent section of the faceplate.

9. A digital audio player comprising:

a base with a first surface;

a substantially transparent removable faceplate coupled to the base and covering substantially all of the first surface; and

a replaceable ornamental insert positionable between the removable faceplate and the first surface of the base such that a portion of the ornamental insert is viewable through the substantially transparent section.

10. The digital audio player as in claim 9 wherein the replaceable ornamental insert has an upper surface having an ornamental design printed thereon and the ornamental design is viewable through the substantially transparent section of the faceplate.

11. The digital audio player as in claim 10 wherein the first surface includes an electronic display and the replaceable ornamental insert includes a display aperture.

12. A method comprising:

- manufacturing an electronic device with a base having a first surface manufactured to accept an ornamental insert thereon;
- manufacturing a substantially transparent removable faceplate to couple to the base and to cover substantially all of the first surface;
- manufacturing a replaceable ornamental insert positionable between the removable faceplate and the first surface of the base; and
- positioning the insert between the base and faceplate and coupling the faceplate to the base.

13. The method of claim 12 wherein manufacturing the electronic device includes manufacturing a digital audio player.

14. The method of claim 12 wherein manufacturing the electronic device includes manufacturing a digital game player.

15. The method of claim 12 wherein manufacturing the electronic device includes manufacturing a portable phone.
16. The method of claim 12 wherein manufacturing the electronic device includes manufacturing a computer.
17. An electronic device comprising:
a base having an upper surface;
an ornamental insert covering a portion of the upper surface; and
a faceplate coupled to the base and the faceplate covering all of the upper surface of the base and the faceplate having a substantially transparent section.
18. The electronic device as in claim 17 wherein the faceplate is substantially transparent.
19. The electronic device as in claim 18 wherein the ornamental insert covers substantially all of the upper surface.
20. The electronic device as in claim 18 wherein the base is a portion of a digital audio player.
21. The electronic device as in claim 18 wherein the base is a portion of a portable cell phone.